

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION  
4 Court File No. 2:17-cv-14148-DPH-SDD  
5 - - - - -  
6 LEAGUE OF WOMEN VOTERS  
7 OF MICHIGAN, ROGER J. BRDAK,  
8 JACK E. ELLIS, DONNA E. FARRIS,  
9 WILLIAM "BILL" J. GRASHA,  
10 ROSA L. HOLLIDAY, DIANA L.  
11 KETOLA, JON "JACK" G. LASALLE,  
12 Richard "DICK" W. LONG,  
13 LORENZO RIVERA,  
14 and RASHIDA H. TLAIB,  
15  
16 Plaintiffs,  
17  
18 v.  
19  
20 RUTH JOHNSON, in her official  
21 capacity as Michigan  
22 Secretary of State,  
23  
24 Defendant.  
25  
26 - - - - -  
27  
28  
29 - - - - -  
30 DEPOSITION OF  
31 DANIEL McMASTER  
32  
33 - - - - -  
34  
35  
36 Taken August 17, 2018 By Kelly A. Herrick

1 APPEARANCES:

2

FAEGRE BAKER DANIELS

3 300 N. Meridian Street

Suite 2700

4 Indianapolis, Indiana 46204-1750

Phone: 317.237.0300

5 Email: Matt.giffin@FaegreBD.com

Harmony.mappes@FaegreBD.com

6

By: Matt Giffin

7 Harmony A. Mappes

For the Plaintiffs

8

9 GOODMAN ACKER

17000 W. Ten Mile Rd.

10 Second Floor

Southfield, Michigan 48075

11 Phone: 248.483.5000

Email: Mbrewer@goodmanacker.com

12

By: Mark Brewer

13 For the Plaintiffs

14

DICKINSON WRIGHT PLLC

15 215 S. Washington Square

Suite 200

16 Lansing, Michigan 48933-1816

Phone: 517.487.4710

17 Email: Peter H. Ellsworth

18 By: Peter H. Ellsworth

For the Secretary of State

19

20 DYKEMA GOSSETT PLLC

201 Townsend Street

21 Suite 900

Lansing, Michigan 48933

22 Phone: 517.374.9133

Email: Ggordon@dykema.com

23

By: Gary Gordon

24 For the witness

25

1 APPEARANCES (Continuing):  
2 MICHIGAN HOUSE OF REPRESENTATIVES  
621 South Anderson House Office Bldg.  
3 P.O. Box 30014  
Lansing, Michigan 48909-7514  
4 Phone: 517.373.0935  
Email: Hbeydoun@house.mi.gov

5  
By: Hassan Beydoun  
6 For the House Representatives and the  
witness in his capacity as a former  
7 House Representative staff

8  
Also present: Deborah M. Barclay, Notary

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

|    |  |
|----|--|
| 1  | I N D E X                                  |
| 2  | Examination by Mr. Giffin, page 5          |
|    | Examination by Mr. Gordon, page 228        |
| 3  | Examination by Mr. Ellsworth, page 229     |
|    | Examination by Mr. Giffin, page 230        |
| 4  |  |
| 5  |  |
| 6  | INDEX OF EXHIBITS                          |
| 7  | NUMBER DESCRIPTION                         |
| 8  | Exhibit 120 2011 House Republican Caucus   |
|    | Proposed Redistricting Map                 |
| 9  | 6/27/11, page 72                           |
| 10 | Exhibit 121 Redistricting Plans (Excerpt), |
|    | Act 463 of 1996, page 80                   |
| 11 |  |
|    | Exhibit 122 HOUSE0002779-81, page 84       |
| 12 |  |
|    | Exhibit 123 Timmer000659-60, page 91       |
| 13 |  |
|    | Exhibit 124 Timmer000570, page 97          |
| 14 |  |
|    | Exhibit 125 Timmer000391, page 106         |
| 15 |  |
|    | Exhibit 126 2001: Michigan House District  |
| 16 | Statewide Map, page 114                    |
| 17 | Exhibit 127 HOUSE0001669, page 123         |
| 18 | Exhibit 128 LEGR-001518-20, page 183       |
| 19 | Exhibit 129 Timmer001067, page 158         |
| 20 | Exhibit 130 Timmer000784-87, page 168      |
| 21 | Exhibit 131 Timmer001076, page 201         |
| 22 |  |
| 23 |  |
| 24 |  |
| 25 |  |

1 THE DEPOSITION OF DANIEL McMASTER is taken  
2 on this 16th day of August, 2018, at Dykema  
3 Gossett, 201 Townsend Street, Suite 900,  
4 Lansing, Michigan, commencing at 8:45 a.m.

5 DANIEL McMASTER,  
6 A witness in the above-entitled action,  
7 after having been first duly sworn,  
8 testifies and says as follows:

9 EXAMINATION

10 BY MR. GIFFIN:

11 Q. Okay. Mr. McMaster, can you say and spell  
12 your full name.

13 A. Daniel L. McMaster, D-A-N-I-E-L, L,  
14 M-C-M-A-S-T-E-R.

15 Q. My name is Matt Giffin. I represent the  
16 League of Women Voters and the individual  
17 Plaintiffs in this lawsuit.

18 Have you ever had your deposition  
19 taken before?

20 A. Once.

21 Q. When was that?

22 A. It was a law enforcement, loitering, traffic  
23 parking lot issue.

24 Q. About how long ago?

25 A. 18 years ago maybe.

1 A. I'm not sure.

2 Q. Did you go back to the drawing board?

3 A. Yeah, we created -- I know we created  
4 several variations, but I believe we  
5 ultimately said this is what it's -- kind of  
6 one of these, I hope you like it, because  
7 this is what it's going to be.

8 Q. Is this the only map that complied with the  
9 Apol standards that you could have drawn?

10 A. Any map we would have drawn for him would  
11 follow Apol standards. We were under strict  
12 guidance from Pete to keep everything within  
13 Apol standards.

14 Q. Did you ever draw maps, even ones that  
15 weren't publically released, just sort of  
16 draft versions, that either didn't follow  
17 the Apol standards or that you didn't check  
18 to see if they followed the Apol standards?

19 A. We may have drawn some and then once we  
20 found out they weren't, then we crossed them  
21 off.

22 Q. Briefly just walk me through how you found  
23 out they weren't. Who did that work?

24 A. (Indicating).

25 Q. You?

- 1 A. I mean, I talked to Brian, Brian punched it  
2 into his computer, map prints out, we start  
3 looking at it, I start literally physically  
4 writing population numbers on each township,  
5 making sure that when we cut across the  
6 county line, we're grabbing the right  
7 township, counting up all the county breaks.
- 8 Q. Can the software do that for you? And by  
9 "you," I mean you in general, can it do that  
10 for a person?
- 11 A. I'm not sure. I'm not sure if you can set  
12 it -- if you can -- if it's got like a -- I  
13 don't know. That's a Brian Began question.  
14 I don't know.
- 15 Q. Did you ever save draft maps?
- 16 A. Did I what?
- 17 Q. Did you ever save draft maps?
- 18 A. I didn't have a computer.
- 19 Q. Did you ever tell Brian Began to save draft  
20 maps?
- 21 A. Yes.
- 22 Q. Do you know if he did that?
- 23 A. I would assume so on the laptop.
- 24 Q. You think they were saved on his laptop?
- 25 A. Yeah.

1 Q. Did you ever print out maps to be saved or  
2 tell him to print out maps to be saved?

3 A. Well, we had -- we had a ton of stuff  
4 printed out, yeah.

5 Q. Did you keep that stuff?

6 A. No.

7 Q. What happened to it?

8 A. When we were told in 2012, January/February  
9 2012, that we had passed our last court case  
10 or approval from the Justice Department or  
11 whatever it was, we no longer had to hold on  
12 to stuff and it was up to us to do whatever  
13 with it.

14 Q. Who had told you to hold on to stuff in the  
15 first place?

16 A. Joe Baumann.

17 Q. Joe Baumann?

18 A. House legal counsel.

19 Q. Did he do that via letter?

20 A. I don't know if it was an email, if it was a  
21 conversation, I'm not sure.

22 Q. And Joe Baumann was the one that told you  
23 you didn't need to keep things anymore  
24 afterwards?

25 A. He said it was up to us to do whatever we



1 want with it. Pete wanted his office  
2 cleaned. It was a pigsty.

3 Q. So Pete Lund, did he tell you to get rid of  
4 these drafts or did he just tell you to get  
5 them out of his office?

6 A. He said, tidy up the office, clean up the  
7 office.

8 Q. And you decided that you would just get rid  
9 of them?

10 A. Yes.

11 Q. Do you have any drafts from that period in  
12 your possession?

13 A. Hmm-um.

14 MS. MAPPE: You need to answer yes  
15 or no.

16 THE WITNESS: Yes -- no -- I mean,  
17 no, no. I mean, yes to you.

18 MS. MAPPE: Sorry.

19 THE WITNESS: No, I did not have  
20 any map drafts, I didn't save -- no, I was  
21 so burned out, I was so like (indicating).

22 BY MR. GIFFIN:

23 Q. Can you tell me how these meetings with  
24 legislators happened logistically?

25 A. They were held in Pete Lund's legislative

1 STATE OF MINNESOTA  
2 CERTIFICATE  
3 COUNTY OF WASHINGTON

4 I, Kelly A. Herrick, hereby  
5 certify that I reported the deposition of  
6 DANIEL McMASTER on the 17th day of August,  
7 2018 in Lansing, Michigan, and that the  
8 witness was by me first duly sworn to tell  
9 the truth and nothing but the truth  
10 concerning the matter in controversy  
11 aforesaid;

12 That I was then and there a notary  
13 public in and for the County of Washington,  
14 State of Minnesota; that by virtue thereof I  
15 was duly authorized to administer an oath;

16 That the foregoing transcript is a  
17 true and correct transcript of my  
18 stenographic notes in said matter,  
19 transcribed under my direction and control;

20 That the cost of the original has  
21 been charged to the party who noticed the  
22 deposition and that all parties who ordered  
23 copies have been charged at the same rate  
24 for such copies;

25 That the reading and signing of  
the deposition was not waived;

That I am not related to any of  
the parties hereto, nor interested in the  
outcome of the action and have no contract  
with any parties, attorneys or persons with  
an interest in the action that has a  
substantial tendency to affect my  
impartiality;

WITNESS MY HAND AND SEAL this 24th  
day of August, 2018.

\_\_\_\_\_  
Kelly A. Herrick  
Notary Public